IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Application No. 529 of 2006

1. Om Prakash Singh S/o Sri Baboo Singh
2. Smt. Ramvati Devi W/o Sri Om Prakash Singh
3. Raju S/o Sri Om Prakash Singh
   All R/o Mohalla Bhoop Singh, Jaspur
   P.S. Jaspur, District Udham Singh Nagar .... Applicants

Vs

1. State of Uttaranchal through
   Chief Secretary, Government of Uttaranchal
   Dehradun
2. Civil Judge (Junior Division)/Judicial Magistrate
   1st Class, Kashipur,
   District Udham Singh Nagar
3. Smt. Om Vati W/o Sri Sanjay Kumar
   D/o Master Girvar Singh
   R/o Village Nadehi, P.S. Jaspur
   District Udham Singh Nagar .... Respondents

Sri Jagdish Prasad, learned counsel for the applicants/petitioners

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr.P.C. challenging the order dated 21.07.2005 passed by Civil Judge (J/D)/Judicial Magistrate Ist, Class Kashpur in Criminal Case No. 498 of 2003 State Vs Sanjay Kumar under Section 498-A I.P.C. and 3/4 Dowry Prohibition Act.

2. Heard learned counsel for the petitioner, learned A.G.A. and perused the record.

3. The record reveals that the trial against one Sanjay Kumar under Section 498-A I.P.C. and 3/4 Dowry Prohibition Act proceeded before the court of Judicial Magistrate, Kashipur and during the course of the trial an application was filed under Section 156(3) Cr.P.C. for summoning the applicants as an accused to face their trial in the aforesaid case.

4. It is pertinent to mention here that the petitioners are father-in-law, mother-in-law and brother-in-law (*Dewar)* respectively of respondent No. 3 and learned Magistrate has clearly observed in the impugned order that the respondent No. 3 who is the complainant of the case has clearly mentioned the name of the petitioners in the First Information Report. It has been alleged in the First Information Report that the husband of respondent no. 3 as well as the petitioners who have approached this Court have continuously been demanding the dowry immediately after the marriage. The complainant/respondent No. 3 Smt. Om Vati who is the wife of the accused – Sanjay Kumar in her deposition before the trial Judge has clearly stated that her husband, father-in-law, mother-in-law and brother-in-law (*Dewar*) have been demanding the dowry and subjecting her to cruelty on account of demand of dowry. The trial Judge while summoning the petitioners was therefore, of the view that there was a prima-facie case to proceed against the petitiones.

5. I do not find any perversity in the impugned order passed by the trial court for summoning the petitioners to face the trial.

6. There is no abuse of process of court and also no flagrant injustice to be caused by the petitioners.

7. The petition lacks merit and is liable to be dismissed.

8. Accordingly, the petition under Section 482 Cr.P.C. is dismissed.

(B.C. Kandpal, J.)

12.07. 2006
ASWAL